

**FILED**

**AUG 11 2017**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**BUTTE DIVISION**

BARNARD CONSTRUCTION  
COMPANY, INC.,

a Montana Corporation

Petitioner,

vs.

HELIX ELECTRIC, INC.,

a California Corporation,

Respondent.

No. CV-17-48-BU-SEH

**ORDER**

Petitioner moved to compel arbitration and stay a related state court action on July 21, 2017. 9 U.S.C. § 6 states that a petition to compel arbitration “shall be made and heard in the manner provided by law for the making and hearing of motions.” However, the summons issued by the Clerk of Court directed Respondent under Federal Rule of Civil Procedure 12(a) to answer or otherwise

respond within 21 days after service.<sup>1</sup> The petition and summons were served on Respondent on July 25, 2017. No response to the petition to compel has been filed. Under Federal Rule of Civil Procedure 12(a), an appearance by the Respondent will be due on or before August 15, 2017.

Petitioner filed Barnard Construction Company, Inc.'s Reply to Its Petition to Compel Arbitration and Stay the State Court Action Pursuant to Sections 3 & 4 of the Federal Arbitration Act<sup>2</sup> on August 11, 2017, in which it asserts that Respondent had 14 days to respond to the petition. It further requests that the Court immediately grant the requested relief.

Upon the filing of a response to the petition or upon failure of Respondent to respond as directed, the Court will take such actions as may be necessary to address issues appropriate for the Court's consideration.

DATED this 11<sup>th</sup> day of August, 2017.

  
SAM E. HADDON  
United States District Court

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<sup>1</sup> See Doc. 5.

<sup>2</sup> Doc. 7.